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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,267	03/24/2004	Paul Thomasberg	SN-US045015	4121
22919 7590 02/15/2007 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			EXAMINER CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/807,267

Applicant(s)

THOMASBERG, PAUL

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-17 and 20-24 is/are rejected.
- 7) ☐ Claim(s) 3,11,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6-09-2004, 8-16-2004 and 5-12-2006.

### **DETAILED ACTION**

This is the first action relating to serial application number 10/807,267 filed 03-24-2007. Which has been entered. Claims 1-24 are currently pending.

#### ***Drawings***

1. The examiner has accepted the drawing filed with this application as formal drawing.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by WO (03/064242). WO (03/064242) discloses a bicycle transmission comprising an axle (54) arranged to rotate about an axis (m), a mount member (53) mounted on the axle to be rotated therewith, the mount member is configured to received a plurality of drive members (15), coupled to a rotatable driving member with an endless drive member (10), a shifting structure (171) configured and arranged to move the mount member (53) in the axial direction on the axle in response to a manual operation of a rider to selectively shift the mount member in the axial direction such that the endless drive member is selectively shifted between the drive members (15).
4. Claim 1-2, 4-6, 8-10, 12-14, 16-17 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by WO (03/064242). WO (00/68068) discloses a

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bicycle transmission comprising an drive axle (4) arranged to inherently rotate about an axis, a mount member (20) mounted on the axle to be rotated therewith (page 1, lines 10-15), the mount member is configured to received a plurality of drive members (10), coupled to a rotatable driving member with an endless drive member (12), a shifting structure (14) configured and arranged to move the mount member (20) in the axial direction on the axle in response to a manual operation of a rider to selectively shift the mount member in the axial direction such that the endless drive member is selectively shifted between the drive members (10).

In claim 2, note the shifting structure includes an arm arranged to move the mount member in the axial direction in response to the pivotal movement of the shifter arm, the shifter arm including an actuating section configured and arranged to be in response to a control mechanism (1) and an engagement section configured and arranged to move the mount member in the axial direction.

In claims 4, note the shift structure includes a collar (8) slidable mounted on the axle to slide in the axle direction.

In claim 5, note the shifting structure includes a biasing member (14).

In claim 6, note the engagement section of the arm includes a contact portion (see the portion of the arm (7) that is arranged to contact the collar.

In claims 8-10 and 12-14, WO (00/68068) discloses the claimed invention above.

In claims 16-17, 20-23, WO (00/68068) inherently discloses the claimed invention above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (00/68068) in view of WO (03/64242). WO (00/68068) fails disclose the contact portion is slidably engage with the collar. WO (03/64242) discloses a bicycle transmission having a contact portion of a shifter arm (171) in slidably engaged with a collar (539). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of WO (00/68068) so that the contact portion of the shift arm is slidably engaged with the collar in order to provide for easy dismantling, replacing the arm without removing the collar and consequently dismantling the whole system.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (00/68068) in view of WO (03/64242). WO (00/68068) fails to disclose the device includes a tensioner. WO (03/64242) device the transmission includes a tensioner (16) for reducing the slack in the chain thus prevent the chain from inadvertently slipping of the sprockets and causing any damage to the operator. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of so that it includes a tensioner in view of WO (03/64242) for reducing the slack in the

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chain thus prevent the chain from inadvertently slipping of the sprockets and causing any damage to the operator and to prevent noise dues to chain rattling.

***Allowable Subject Matter***

8. Claims 3, 11 and 18-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE (4038009), RU (21846673) and Eager (1,500,579) disclose a gear changing mechanism.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
January 25, 2007